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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/648,426	08/28/2000	Yossi Lev	2166/1	5644

7590

05/18/2005

Dr Mark Friedman Ltd
c/o Bill Polkinghorn Discovery Dispatch
9003 Florin Way
Upper Marlboro, MD 20772

EXAMINER

HERNANDEZ, NELSON D

ART UNIT	PAPER NUMBER
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2612

DATE MAILED: 05/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/648,426

Applicant(s)

LEV ET AL.

Examiner

Nelson D. Hernandez

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 December 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) 8-12, 15-18, 26-30 and 33-37 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 13, 14, 19-25, 31 and 32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 August 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1 and 19 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. **Claims 1-7, 13, 14, 19-25, 31 and 32** are rejected under 35 U.S.C. 102(e) as being anticipated by Wilska, US Patent 6,427,078 B1.

Regarding claim 1, Wilska discloses a method for providing added utility to at least one video camera (See fig. 1) said method comprising the steps of:

- (a) capturing and storing at least one frame of video containing visually perceptible data by the at least one video camera (Fig. 1: 14);
- (b) opening at least one channel of communication (Fig. 3: 17 and 1: 18) and transmitting therethrough said visually perceptible data;
- (c) receiving said at least one frame of video containing visually perceptible data by at least one device capable of communication (The is notebook computer shown in

fig. 1 is also capable of receiving image information from another communication device using the cellular mobile telephone shown in fig. 3: 17), and

(d) processing the at least one frame of video containing visually perceptible data so that the processed data acquires added utility (The is notebook computer shown in fig. 1 is also capable of receiving image information from another communication device and process the received image to provide added utility, i.e. OCR, business card, etc.); wherein the at least one video camera is permanently attached to a cellular telephone (See col. 3, lines 36-40) (Col. 2, lines 25-65; col. 3, lines 36-65; col. 4, lines 48-64; col. 5, line 7 – col. 6, line 33).

Regarding claim 2, claim 2 is written as a Markush type claim by using the expression "consisting of", meeting one species of a genus family anticipates the claimed subject matter. "A generic claim cannot be allowed to an applicant if the prior art discloses a species falling within the claimed genus." The species in that case will anticipate the genus. In re Slayter, 276 F.2d 408, 411, 125 USPQ 345, 347 (CCPA 1960); In re Gosteli, 872 F.2d 1008, 10 USPQ2d 1614 (Fed. Cir. 1989).

Wilska discloses that the visually perceptible data includes at least a portion of a printed document (Col. 5, lines 53-58).

Regarding claim 3, Wilska discloses that the step of processing occurs during at least one time selected from the group consisting of prior to transmitting through said at least one channel of communication (Col. 5, lines 7-64) and after transmission through said at least one channel of communication (Col. 5, line 65 – col. 6, line 32).

Regarding claim 4, Wilska discloses that said at least one device capable of communication is at least one device selected from the group consisting of an internet server (Col. 7, line 44 – col. 8, line 4 teaches sending electronic mails, sending electronic mails requires the use of an internet server), a cellular telephone (Fig. 3: 17, see also) and a personal computer (Fig. 1) (Col. 2, lines 25-65; col. 3, lines 36-65; col. 4, lines 48-64; col. 5, line 7 – col. 6, line 33).

Regarding claim 5, claim 5 is written as a Markush type claim by using the expression “consisting of”, meeting one species of a genus family anticipates the claimed subject matter. “A generic claim cannot be allowed to an applicant if the prior art discloses a species falling within the claimed genus.” The species in that case will anticipate the genus. In re Slayter, 276 F.2d 408, 411, 125 USPQ 345, 347 (CCPA 1960); In re Gosteli, 872 F.2d 1008, 10 USPQ2d 1614 (Fed. Cir. 1989).

Wilska discloses that the step of processing includes a sub-step of optical character recognition (Col. 5, lines 6-64).

Regarding claim 6, Wilska discloses creating a legible image of at least a portion of a document (Col. 5, line 6 – col. 6, line 33).

Regarding claim 7, Wilska discloses that the sub-step of optical character recognition is employed to generate an editable text document from an image (Col. 5, line 6 – col. 6, line 33).

Regarding claim 13, Wilska discloses further comprising the step of transmitting said legible image of at least a portion of a document (Col. 5, line 6 – col. 6, line 33).

Regarding claim 14, Wilska discloses transmission of said editable text document to at least one of said at least one device capable of communication (Col. 5, line 6 – col. 6, line 33).

Regarding claim 19, Wilska discloses a system for providing added utility to at least one video camera (See fig. 1), said system comprising:

(a) the at least one video camera (Fig. 1: 14) containing a memory device (Fig. 3: 13) capable of at least transiently storing at least one frame of captured video containing visually perceptible data;

(b) at least one device capable of communication (Fig. 3: 13 and 1: 18), said at least one device capable of communication being designed and configured for receiving said at least one frame of video containing visually perceptible data, said at least one device capable of communication being further capable of opening least one channel of communication and transmitting there through said visually perceptible data; and

(c) at least one processing device (Fig. 3: 2) designed and configured to process the visually perceptible data so that the processed data acquires added utility;

wherein the at least one video camera is permanently attached to a cellular telephone (See col. 3, lines 36-40) (Col. 2, lines 25-65; col. 3, lines 36-65; col. 4, lines 48-64; col. 5, line 7 – col. 6, line 33).

Regarding claim 20, claim 20 is written as a Markush type claim by using the expression “consisting of”, meeting one species of a genus family anticipates the claimed subject matter. “A generic claim cannot be allowed to an applicant if the prior art discloses a species falling within the claimed genus.” The species in that case will

anticipate the genus. In re Slayter, 276 F.2d 408, 411, 125 USPQ 345, 347 (CCPA 1960); In re Gosteli, 872 F.2d 1008, 10 USPQ2d 1614 (Fed. Cir. 1989).

Wilska discloses that the visually perceptible data includes at least a portion of a printed document (Col. 5, lines 53-58).

Regarding claim 21, Wilska discloses that the at least one processing device processes said at least one frame of video containing visually perceptible data in at least one location selected from the group consisting of in the at least one video camera (Fig. 1: 14) and in at least one of said at least one device capable of communication (Fig. 3: 17 and fig. 1: 18) (Col. 2, lines 25-65; col. 3, lines 36-65; col. 4, lines 48-64; col. 5, line 7 – col. 6, line 33).

Regarding claim 22, Wilska discloses that said at least one device capable of communication is at least one device selected from the group consisting of an internet server (Col. 7, line 44 – col. 8, line 4 teaches sending electronic mails, sending electronic mails requires the use of an internet server), a cellular telephone (Fig. 3: 17) and a personal computer (Fig. 1) (Col. 2, lines 25-65; col. 3, lines 36-65; col. 4, lines 48-64; col. 5, line 7 – col. 6, line 33).

Regarding claim 23, claim 23 is written as a Markush type claim by using the expression “consisting of”, meeting one species of a genus family anticipates the claimed subject matter. “A generic claim cannot be allowed to an applicant if the prior art discloses a species falling within the claimed genus.” The species in that case will anticipate the genus. In re Slayter, 276 F.2d 408, 411, 125 USPQ 345, 347 (CCPA 1960); In re Gosteli, 872 F.2d 1008, 10 USPQ2d 1614 (Fed. Cir. 1989).

Wilska discloses that the processing device performs optical character recognition (Col. 5, lines 6-64).

Regarding claim 24, Wilska discloses that a legible image of at least a portion of a document is created (Col. 5, line 6 – col. 6, line 33).

Regarding claim 25, Wilska discloses that an editable text document is created from an image by optical character recognition (Col. 5, line 6 – col. 6, line 33).

Regarding claim 31, Wilska discloses transmitting the editable text document to at least one of said at least one device capable of communication (Col. 5, line 6 – col. 6, line 33).

Regarding claim 32, Wilska discloses transmission of said editable text document to at least one device capable of communication (Col. 5, line 6 – col. 6, line 33).

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Contact

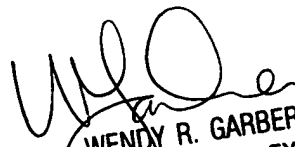
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nelson D. Hernandez whose telephone number is (571) 272-7311. The examiner can normally be reached on 8:00 A.M. to 5:30 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy R. Garber can be reached on (571) 272-7308. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nelson D. Hernandez
Examiner
Art Unit 2612

NDHH
May 14, 2005


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